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EVALUATION REPORT

approved according to Article 25

of the Rules of Organization and Functioning

ALEXANDRU NEGRU

candidate for the Supreme Court of Justice

subject of evaluation under Article 3 para. (1) Law No. 65/2023

12 June 2025

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The Vetting Commission established by Law No. 65/2023 on the External Evaluation of Judges and Candidates for Judges of the Supreme Court of Justice (hereinafter “Law No. 65/2023”) deliberated on the matter on 9 June 2025 and approved the following report on 12 June 2025. The members participating in the approval of the report were:

1. Scott BALES
2. Andrei BIVOL
3. Willem BROUWER
4. Lilian ENCIU
5. Iurie GAȚCAN
6. Lavly PERLING

The Commission prepared this evaluation report based on its work in collecting and reviewing the information, the subject’s explanations, and its subsequent deliberations.

I. Introduction

1. This report concerns Mr. Alexandru Negru (hereinafter the “subject”), a candidate for the position of judge of the Supreme Court of Justice.
2. The Commission conducted its evaluation pursuant to Law No. 65/2023 and the Commission’s Rules of Organization and Functioning (hereinafter “Rules”).
3. The Commission concluded that the subject meets the criteria identified in Law No. 65/2023 for ethical and financial integrity, as no serious doubts determined by facts have been found as to the subject’s compliance with these criteria.

II. Subject of the Evaluation

4. The subject has been a judge at the Chisinau (Buiucani) District Court since 2014. In February 2025, he was temporarily transferred to the Supreme Court of Justice.
5. Between 2013-2014, the subject was a judicial assistant at the Chisinau Court of Appeal. Before that, the subject was a lawyer.
6. The subject received a bachelor’s degree in law in 2007 from the Moldova State University. In 2008, the subject received a master’s degree in criminal law from the Montesquieu University, Bordeaux, France.

III. Evaluation Criteria

7. Under Article 11 para. (1) of Law No. 65/2023, the Commission evaluates the subject's ethical and financial integrity.

8. Under Article 11 para. (2), a subject:

"[...] does not meet the criterion of ethical integrity if the Evaluation Commission has serious doubts determined by the fact that:

a) in the last 5 years, they seriously violated the rules of ethics and professional conduct of judges, prosecutors or, as the case may be, other professions, as well as if they acted arbitrarily or issued arbitrary acts, over the last 10 years, contrary to the imperative rules of the law, and the European Court of Human Rights had established, before the adoption of the act, that a similar decision was contrary to the European Convention for Human Rights;

b) in the last 10 years, has admitted incompatibilities and conflicts of interest incompatible with the office of judge of the Supreme Court of Justice in his/her work."

9. Under Article 11 para. (3), a subject:

"[...] does not meet the criterion for financial integrity if the Evaluation Commission has serious doubts determined by the fact that:

a) the difference between assets, expenses and income for the last 12 years exceeds, in total, 20 average salaries per economy, in the amount set by the Government for the year in which the judge's evaluation began;

b) in the last 10 years, admitted tax irregularities as a result of which the amount of unpaid tax exceeded, in total, 5 average salaries per economy, in the amount set by the Government for the year in which the judge's evaluation began."

10. Under Article 20 para. (1):

"Candidates for the office of judge of the Supreme Court of Justice shall be evaluated in accordance with the provisions of this law."

11. The applicable rules of ethics and professional conduct for judges in the relevant period were regulated by the:

- a. Law No. 544 of 20 July 1995 on Status of Judge;
- b. Law No. 178 of 25 July 2014 on Disciplinary Liability of Judges;
- c. Judge's Code of Ethics and Professional Conduct No. 8 of 11 September 2015 approved by the Decision of the General Assembly of Judge;

- d. Judge's Code of Ethics approved by the decision of the Superior Council of Magistracy no. 366/15 of 29 November 2007;
 - e. Guide on the integrity of judges No. 318/16 of 3 July 2018 approved by the Superior Council of Magistracy.
12. The average salary per economy for 2024 was 13,700 MDL. Thus, the threshold of 20 average salaries is 274,000 MDL, and the threshold of five average salaries is 68,500 MDL.
 13. Article 11 para. (4) of Law No. 65/2023 allows the Commission to verify various things in evaluating the subject's financial integrity, including payment of taxes, compliance with the legal regime for declaring assets and personal interests, and the origins of the subject's wealth.
 14. In evaluating the subject's financial integrity, Article 11 para. (5) of Law No. 65/2023 directs the Commission also to consider the wealth, expenses, and income of close persons, as defined in Law No. 133/2016 on the declaration of wealth and personal interests, as well as of persons referred to in Article 33, paras. (4) and (5) of Law No. 132/2016 on the National Integrity Authority.
 15. In assessing a subject's compliance with the ethical and financial integrity criteria, the Commission applies the rules and legal regime that were in effect when the relevant acts occurred.
 16. Finally, according to Article 11 para. (2) and (3) of Law 65/2023, the Commission determines that a subject does not meet the ethical and financial integrity criteria if it establishes serious doubts determined by the facts considered breaches of the evaluation criteria. The Commission cannot apply the term "serious doubts" without considering the accompanying phrase "determined by the fact that". This phrase suggests that the Commission must identify as a "fact" that the specified conduct has occurred.
 17. Regarding the standard of "serious doubts" in the context of the vetting exercise, the Constitutional Court noted with reference to its previous decisions that the definition of standards of proof inevitably involves using flexible texts. The Court also said that the Superior Council of Magistracy can only decide not to promote a subject if the report examined contains "confirming evidence" regarding the non-compliance with the integrity criteria. The word "confirms" suggests a certainty that the subject does not meet the legal criteria. Thus, comparing the wording "serious doubts" with the text "confirming evidence", the Court considered that the former implies a high probability, without rising to the level of certainty (Constitutional Court Judgement No. 2 of 16 January 2025, §§ 99, 101).

18. Once the Commission establishes substantiated doubts regarding particular facts that could lead to failure of evaluation, the subject will be given the opportunity to oppose those findings and to submit arguments in defense, as provided by Article 15 para. (1) of Law No. 65/2023. After weighing all the evidence and information gathered during the proceedings, the Commission makes its determination.

IV. Evaluation Procedure

19. On 21 October 2024, the Commission received the information from the Superior Council of Magistracy pursuant to Article 21 para. (5) lit. a) of Law No. 65/2023. The information included the subject's candidacy for the Supreme Court of Justice.
20. On 7 November 2024, the Commission notified the subject and requested that he complete and return an ethics questionnaire and the declarations as provided in Article 12 para. (3) of Law No. 65/2023 within 10 days from the date of notification (hereinafter the declarations are referred to as the "five-year declaration"). The subject returned the completed five-year declaration and questionnaire on 18 November 2024.
21. Because the law sets different evaluation periods for the ethical and financial integrity criteria cited above, the Commission evaluated compliance with these criteria over the past five, ten, and 12 years, respectively. Due to the end-of-the-year availability of the tax declarations and declarations on wealth and personal interests, the financial criteria evaluation period included 2012-2023 and 2014-2023. The evaluation period for the ethical criterion includes the past five or ten years, calculated backwards from the date of the notification.
22. In the last 12 years of the evaluation period, the subject had an obligation to submit declarations, both under Law No. 133/2016 on the Declaration of Wealth and Personal Interests, and under Law No. 1264/2002 on the Declaration and Income and Property Control for persons with positions of Public Dignity, Judges, Prosecutors, Civil Servants, positions of Management. The subject's wife was also obliged to submit a declaration for 2023.
23. The Commission sought and obtained information from numerous sources. No source advised the Commission of later developments or any corrections regarding the information provided. The sources asked to provide information on the subject included the General Prosecutor's Office, the Anti-Corruption Prosecutor's Office (hereinafter "APO"), the Prosecutor's Office for Combating Organized Crime and Special Cases (hereinafter "PCCOCS"), the Ministry of Internal Affairs, the National Anticorruption Center (hereinafter "NAC"), the

National Integrity Authority (hereinafter “NIA”), the State Fiscal Service (hereinafter “SFS”), the National Office of Social Insurance, the General Inspectorate of Border Police, banks (Eximbank JSC, Moldinconbank JSC, MAIB JSC, BCR Chișinău JSC, Victoriabank JSC, Banca de Finanțe și Comerț (FincomBank) JSC, OTP Bank JSC, Banca Socială JSC, Banca de Economii JSC), Office for Prevention and Fight Against Money Laundering, and the Public Service Agency. Information was also obtained from other public institutions and private entities, open sources such as social media and investigative journalism reports. No complaints or information was received from civil society. All information received was carefully screened for accuracy and relevance.

24. Before approving its report, the Commission asked the General Prosecutor’s Office, APO, PCCOCS and NAC to confirm that there were no changes in their previous responses. PCCOCS, NAC and APO responded, but the Prosecutor’s General Office has not responded within the deadline provided by Law No. 65/2023.
25. On 28 February 2025, the Commission asked the subject to provide additional information by 9 March 2025 to clarify certain matters (hereinafter the “first round of questions”). The subject provided answers and documents shortly after the deadline.
26. On 3 April 2025, the Commission asked the subject to provide additional information by 13 April 2025 to clarify certain matters (hereinafter the „second round of questions”). The subject provided answers and documents within the deadline.
27. On 30 May 2025, the Commission notified the subject that based on the information collected and reviewed, it had not identified in its evaluation any areas of doubt about his compliance with the ethical and financial criteria. The subject was sent a written hearing notice. The notice stated that if the subject declined to participate, but confirmed the accuracy of the previously provided information, the Commission would, absent any new information or developments, approve a report on passing the evaluation.
28. As provided in Article 24 para. (4) of the Rules, the subject could have requested access to all the materials in his evaluation file at least seven days before the hearing. However, the subject did not exercise this right.
29. On 9 June 2025, the Commission held a public hearing. At the hearing, the subject reaffirmed the accuracy of his answers in the five-year declaration and the ethics questionnaire. He also stated that he did not have any corrections or

additions to the answers previously provided to the Commission's requests for information.

V. Analysis

30. This section discusses the relevant facts and reasons for the Commission's conclusion.
31. Based on the information it collected, the Commission analyzed and, where necessary, requested further clarifications on the matters which, upon initial review, raised doubts as to compliance with the criteria established by law:
 - a. compliance with the wealth and personal interests declaration regime;
 - b. involvement in a case examined by the European Court on Human Rights (hereinafter "ECtHR");
 - c. potential difference between the assets, expenses, and income (hereinafter "unjustified or inexplicable wealth") for 2012, 2013 and 2016 and,
 - d. potential tax irregularities.

A. Compliance with the wealth and personal interests declaration regime

First instance

32. The Commission identified that the subject did not declare a loan of 15,700 EUR in his 2012 declaration of income and property.
33. As part of the subject's financial integrity evaluation, particularly his cash savings at the beginning of the evaluation period, the Commission identified that in 2008, the subject became the owner of a 125.8 sq.m. non-residential space. The property was sold in 2011.
34. When asked during the first round of questions about the source of funds used to acquire the non-residential space, the subject stated that he borrowed 15,700 EUR from his aunt, who worked as a medical assistant in Italy. The subject claimed that the loan was fully repaid in 2011. However, the Commission received a written statement from the aunt indicating that the loan was repaid in 2011 and 2012. In response to the second round of questions, the subject reaffirmed that the loan was fully repaid in 2011 and said that his aunt was mistaken in her statement, but did not provide written confirmation from her. The subject did not declare this loan in his 2012 declaration of income and property.

Second instance

35. In his 2018 declaration submitted to NIA, the subject reported the following amounts: a paternity leave allowance of 8,400 MDL; a single allowance upon the birth of a child of 5,645 MDL received by his wife; a prenatal and postnatal leave allowance of 81,018 MDL, also received by his wife.
36. In the 2019 declaration, he declared the following amounts: an allowance for the care of a minor child of 55,299 MDL received by the subject; a paternity leave allowance of 8,400 MDL; a single allowance upon the birth of a child of 5,645 MDL received by his wife; and a prenatal and postnatal leave allowance of 81,018 MDL received by his wife.
37. When asked about these amounts, the subject stated that his wife did not receive the single allowance of 5,645 MDL or the prenatal and postnatal leave allowance of 81,018 MDL in 2019. However, he clarified that these social benefits were paid to her in 2018 following the birth of their son. He also noted that he received the paternity leave allowance of 8,400 MDL only in 2018.
38. The subject explained that in 2021, he discovered that certain inaccuracies had occurred when NIA published his 2019 declaration. These were due to the inclusion of information from the 2018 declaration of assets and interests, which was not reflected in the declaration he had submitted for 2019. Consequently, he submitted a request to NIA, informing the authority about the duplication of certain amounts. NIA's response, which was presented to the Commission, said NIA would consider this information in the event of any inspections.

Third instance

39. Between 2016-2023, the subject reflected in his declarations of wealth and personal interests the following amounts of cash savings: 2016 – 195,000 MDL; 2017 – 1,025,000 MDL; 2018 – 1,015,000 MDL and 6,300 EUR; 2019 – 1,835,000 MDL and 6,300 EUR; 2020 - 900,000 MDL; 2021 – 930,000 MDL; 2022 – 1,050,000 MDL; 2023 – 1,080,000 MDL.
40. In response to the first round of questions, the subject stated that the data included in the declarations regarding cash savings is not accurate. The subject explained that, when completing the declarations, he included separately both cash savings and debts owed to him (*drepturi de creanță*).
41. The subject stated that he sold the 125.8 sq.m. non-residential property to his brother through a sale-purchase agreement concluded on 14 March 2011, supplemented by an additional act dated 29 December 2011. According to these documents, the agreed price was 1,607,653 MDL, to be paid in 10 annual installments. Additionally, at the end of 2016 and the beginning of 2017, he

granted a loan of 130,000 MDL to his in-laws. Therefore, the subject states that the amounts indicated in the declarations reflect both cash savings and debts owed to him, arising from the sale contract and the loan agreement mentioned above.

42. The subject explained that he had the following cash savings and debts owed to him in the relevant period:

Year	Cash savings	Debts owed from the sale contract	Debts owed from the loan agreement
2016	195,000 MDL	750,000 MDL	60,000 MDL
2017	245,000 MDL	650,000 MDL	130,000 MDL
2018	335,000 MDL	550,000 MDL	130,000 MDL
2019	370,000 MDL	450,000 MDL	130,000 MDL
2020	470,000 MDL	300,000 MDL	130,000 MDL
2021	600,000 MDL	200,000 MDL	130,000 MDL
2022	920,000 MDL	-	130,000 MDL
2023	950,000 MDL	-	130,000 MDL

43. The subject also submitted supporting documents proving that he distinguished the cash savings and the debts owed to him when he completed the declarations. However, upon generation of the declarations on the NIA website, all amounts were reported as cash savings.

The Commission's assessment

44. Regarding the first non-declaration, it is immaterial whether the subject repaid the loan in 2011, as he recalls, or in 2011 and 2012 as his aunt recalls. Even if the loan was partly repaid in 2012 and thus should have been included in the subject's 2012 declaration, this omission would not raise questions about compliance with the ethical criteria because it occurred more than five years ago.
45. Concerning the second instance of non-declaration, the Commission finds the subject's explanations regarding the duplication of amounts due to technical errors to be reasonable. Moreover, the Commission observes that the subject has taken appropriate measures to rectify the situation. Accordingly, the Commission did not identify any ethical violation under Article 11 para. (2) lit. a).
46. Regarding the third instance of non-declaration, considering that the information presented by the subject is corroborated by supporting documents, the Commission accepts that the incorrect reporting of all amounts

as cash savings is likely a technical error or one of incorrect completion of the declaration forms. This issue alone is insufficient to establish that the subject fails to meet the ethical criteria set in Article 11 para. (2) of Law 65/2023.

B. Involvement in a case examined by the ECtHR

47. According to the information provided by the Government Agent, the subject was involved in *Prodius and others v. Republic of Moldova*, No. 44894/13, 19 October 2021, examined by the ECtHR.
48. Under Article 11 para. (2) lit. a) of Law No. 65/2023, a subject does not meet the criterion of ethical integrity if the Commission determined that he or she issued arbitrary acts, over the last 10 years, contrary to the imperative rules of the law, and the ECtHR had established, before the adoption of the act, that a similar decision was contrary to the Convention.
49. The Commission found that the judgment of the Chisinau (Buiucani) District Court, was issued by the subject on 1 September 2014, beyond the time-limit of 10 years provided in Article 11 para 2) lit. a) of Law 65/2023. Consequently, the Commission did not conduct any further analysis of this decision.

C. Potential inexplicable wealth (2012, 2013 and 2016)

50. Following the detailed analysis of the subject's financial situation and the explanations of the subject during two rounds of questions, the Commission established inexplicable wealth for 2012, 2013 and 2016. According to Commission's calculations, the difference (negative balance) between income (incoming cash flows) and expenses (outgoing cash flows) in these years was - 22,329 MDL (2012), - 9,402 MDL (2013) and - 49,019 MDL (2016), respectively, thus forming a total inexplicable wealth of – 80,750 MDL.
51. The Commission identified that, based on a decision issued on 5 August 2011 by the Chisinau Court of Appeal, a land plot with an area of 0.0623 ha situated in the city center of Chisinau was attributed to the subject's wife in accordance with the provisions of Article 11 of the Land Code.
52. On 9 September 2011, the subject sold the land plot obtained from the Chisinau City Council. The price indicated in the sale contract was 477,268 MDL.
53. In response to the first round of questions, the subject explained that his family sold the land plot because they could not afford to build a house at that time. Therefore, they sold it and purchased an apartment for 41,758 EUR. The subject stated that even though the contractual price for the land was 477,268 MDL, the real price was 55,000 EUR (est. 898,150 MDL). In this regard, he

presented a written statement from the buyer, confirming that he paid 55,000 EUR.

54. To understate the sale price in the contract is incorrect, even though it might have been a common practice when the land was sold. Nevertheless, given that these transactions occurred in 2011, outside the evaluation period, the Commission considered them only to analyze the financial means of the subject at the beginning of the evaluation period. In support of this, the Commission was presented with, and accepted, a declaration from the buyer confirming that the actual price paid for the land was 55,000 EUR.
55. As a result, even if the negative cash-flow for 2012, 2013 and 2016 was treated as unjustified wealth, it would not exceed the threshold of 274,000 MDL under Article 11 para. (3) lit. a) of Law No. 65/2023. Accordingly, the Commission did not request further explanations on the issue.

D. Potential tax irregularities

56. The subject stated in the ethics questionnaire that in 2023 and 2024 he submitted the tax forms to SFS (*i.e.* income tax statements) for the period between 2013 and 2022 and paid the capital gains taxes for the installments he received annually after selling the 125.8 sq.m. non-residential property. According to supporting documents presented by the subject, he paid 31,090 MDL on 3 May 2023, 54,337 MDL on 5 September 2024 and 91,263 MDL on 18 September 2024.
57. Based on his interpretation of the relevant legal provisions, the subject believed that he should pay the capital increase taxes only after he received all the installments of the sale price. In his view, only under these conditions could the capital increase be accurately determined for tax purposes.
58. The subject explained that because the installment payments extended until 2022, he addressed the matter only in 2023 when he approached SFS to submit the declaration and pay the capital increase tax. SFS informed him that he should have filed annual income declarations for each year during the payment period.
59. At the Commission's request, SFS confirmed these circumstances, noting that the subject voluntarily submitted the relevant declarations, and, as a result, no violation was established. However, SFS calculated late payment penalties amounting to 80,140 MDL, which the subject paid. No fines were imposed.

60. The Commission notes that the failure to submit declarations and pay taxes within the legally prescribed timeframe is a tax irregularity under Article 11 para. (3) lit. b) of Law No. 65/2023.
61. The Commission takes into consideration that, in 2023, the subject voluntarily approached SFS to submit the CET declaration and pay the capital gains tax. Such conduct indicates the absence of any deliberate intent to avoid tax responsibilities. The Commission accepts that the delay in submitting the declarations may have been the result of a misinterpretation of the fiscal legislation. The subject fully paid the amounts assessed by SFS, including the late payment penalties.
62. The Commission has determined that the subject's tax irregularity is not sufficient, in itself, to constitute grounds for concluding that he does not meet the criteria for financial integrity. Finding a failure to meet the ethical criteria based on this act alone would be disproportionate.¹

VI. Conclusion

63. Based on the information it obtained from the subject and other sources, the Commission proposes that the subject promotes the external evaluation made according to the criteria set in Article 11 of Law No. 65/2023.

VII. Further action and publication

64. As provided in Article 25 para.. (3) of the Rules, this evaluation report will be sent by e-mail to the subject and the Superior Council of Magistracy. The Commission will publish the evaluation's result on its official website on the same day.
65. No later than three days after the approval, a printed paper copy of the report, electronically signed by the Chairperson, will be submitted to the Superior Council of Magistracy, along with the original electronic copy of the evaluation file containing all the evaluation materials gathered by the Commission.
66. This report will be published on the Commission's official website, with appropriate precautions to protect the privacy of the subject and other persons, within three days after the expiry of the appeal period against the decision of the Superior Council of Magistracy or after the Supreme Court of Justice issues

¹ In its case-law on vetting process the ECtHR has referred to the principle of proportionality (see for instance *Sevdari v. Albania*, no. 40662/19, 13 December 2022, § 83, <https://hudoc.echr.coe.int/?i=001-221482>)

its decision rejecting the appeal or ordering the promotion or non-promotion of the evaluation.

67. This evaluation report was approved by unanimous vote of the participating members on 12 June 2025 and signed pursuant to Article 8 para. (1) and (2) of Law No. 65/2023.
68. Done in English and Romanian.

Scott Bales

Chairperson